

IN RE: PETITION FOR SPECIAL HEARING
N/E Corner York Road and MTA R/W
(10901 York Road)

8th Election District
4th Councilmanic District

Thomas N. Kelly
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-117-SPH

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Thomas N. Kelly, through his attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan in prior Case No. 93-043-A to reflect the existing utility parts shed. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas N. Kelly, property owner, and Francis X. Borgerding, Jr., Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.2396 acres, more or less, zoned B.M., and is improved with a two-story masonry building. The property was the subject of prior Case No. 93-043-A, in which the former property owner, Robert T. Burgess, was granted variance relief for a one-story building on November 19, 1992. Thereafter, a second story was added to the building. The Petitioner subsequently acquired the property and operates Kelly's Body Shop on the first floor, and leases the second floor as general office space to various tenants. The Petitioner recently constructed a 20' x 12' utility shed adjacent to the rear of the existing building as shown on the site plan. Testimony indicated that this shed is necessary to provide protective storage space for the automotive parts used in his business. Mr. Kelly testified that his repair facility prepares damaged vehicles for painting; however, no painting actually takes place on the subject site in that the Petitioner has a paint shop elsewhere in the Cockeysville area. Due to the addition of the subject shed, the requested special hearing relief is necessary in order to update the previously approved site plan and legitimize existing conditions on the property. Photographs of the property and the subject shed demonstrate that Mr. Kelly maintains a very clean and orderly business at this location. In fact, the subject building is one of the most attractive

ORDER RECEIVED FOR FILING

Date 11/15/99

By [Signature]

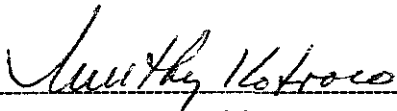
body and fender repair facilities that I have ever encountered. In my view, the utility parts shed is a much-needed addition to Mr. Kelly's business and will allow him to continue to maintain the property in a neat and orderly fashion. Furthermore, due to the location of the shed, it is not readily visible to adjacent properties or from York Road. Thus, it is apparent that there is no visual impact to the surrounding locale.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of November, 1998 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in prior Case No. 93-043-A to reflect the existing utility parts shed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
11/19/98
DRC
[Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 18, 1998

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/E Corner York Road and MTA R/W
(10901 York Road)
8th Election District - 4th Councilmanic District
Thomas N. Kelly - Petitioner
Case No. 99-117-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMKbjs

cc: Mr. Thomas N. Kelly
13330 Long Green Pike, Hydes, Md. 21082

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #10901 YORK ROAD

which is presently zoned B.M.

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

**A SPECIAL HEARING TO
AMEND PRIOR SITE PLAN FOR CASE NO. 93-043-A
TO ALLOW FOR EXISTING UTILITY PARTS SHED.**

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

PATRICK M. O'KEEFE

Name

Address

City

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

99-117-SPH

117

LEON A. PODOLAK AND ASSOCIATES
SURVEYING AND CIVIL ENGINEERING

63 EAST MAIN STREET, P.O. BOX 266
WESTMINSTER, MARYLAND 21157
TELEPHONES: WESTMINSTER 848-2229

BALTIMORE 876-1226

Description

To accompany petition for Zoning HEARING: 0.2246
Acre parcel of LAND OF THOMAS N. KELLY, ETAL
property located in Cockeysville, at #10901-York
Road, in the 8TH Election District, Baltimore
County, Maryland, **EAST SIDE OF YORK ROAD**
600 FEET± SOUTH OF BEAVER RUN LANE

Beginning for the same at the end of the two following
courses and distances measured from the intersection formed by
the centerline of York Road having a variable width Right-of-Way,
with the centerline of the Mass Transit Administration Right-of-
Way being sixty six feet wide, formerly known as the Pennsylvania
Railroad Company Right-of-Way, thence leaving said intersection
and running with and binding on the centerline of York Road, in a
Northwesterly direction for a distance of 120 feet more or less
and thence Northeasterly at right angles to said centerline for a
distance of thirty four feet more or less to the point of
beginning, thence leaving said point of beginning and running
with and binding on the Easternmost Right-of-Way line of York
Road and referring all courses of this description to the grid
meridian established in the Baltimore County Metropolitan
District (1) North 19° 46' 06" West 165.15 feet, thence leaving
said Right-of-Way line and running in a Northeasterly direction
(2) North 68° 57' 23" East 122.14 feet to intersect with the
Westernmost Right-of-Way line of the aforementioned Pennsylvania
Railroad Company, thence running and binding on said Right-of-Way
line (3) by a line curving to the left in a Southwesterly
direction having a radius of 2490.80 feet for a distance of
207.65 feet the arc of which is subtended by the chord South 16°
15' 49" West 207.59 feet to the point of beginning.

Containing 0.2396 Acres of land more or less.

This description has been prepared for Zoning purposes only
and is not intended to be used for conveyance.

44-117-SPH

BALTIMORE COUNTY, MA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND

No. 054724

DATE 9-16-98 ACCOUNT ROCI GISC

AMOUNT \$ 250

RECEIVED
FROM:

KELLY'S BODY SHOP INC.
C/O COMMERCIAL SPECIAL HEARING 3250
TOTAL 250

FOR:

ZONING CASE 99-117-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 117.

PAID RECEIPT

PROCESS ACTUAL TIME
9/16/1998 9/16/1998 11:19:58

REG 4806 CASHIER NUEL HEN (BANK)
5 MISCELLANEOUS CASH RECEIPT

Receipt # 039451
CR NO. 054724

250.00 CHECK: FV

Baltimore County, Maryland

99-117-SPH

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-117-SPH
10901 York Road
E/S York Road corner N/S of
MTA rail right-of-way
8th Election District
3rd Councilmanic District
Legal Owner(s):
Thomas N. Kelly

Special Hearing: to amend
prior site plan for case number
93-43-A to allow for existing
utility parts shed.
Hearings: Thursday, October
29, 1998 at 2:00 p.m., in
Room 106, County Office
Building, 111 West Chesapeake
Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

10/165 Oct. 8 c264526

TOWSON, MD., 10/9/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 10/8/, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE Case No 99-117-SPH

Petitioner/Developer T. KELLY, ETAL

% F.X. BORGERDINE, ESQ

Date of Hearing/Closing: 10/29/98

@ 2:00 P.M.

RM. 106

COUNTY OFF. BLDG.
111 W. CHESAPEAKE

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #10901 YORK ROAD

The sign(s) were posted on

10/13/98

(Month, Day, Year)

AND FIXED BROKEN SIGN - ADDED

Sincerely,

Patrick M. O'Keefe 10/23/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

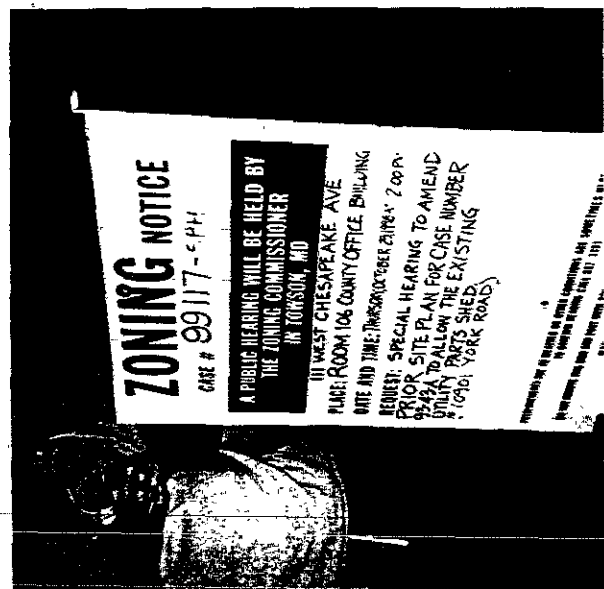
523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

110-166-5326 / 1-800-410-905-85



RE: PETITION FOR SPECIAL HEARING
10901 York Road, E/S York Rd corner, N/S of
MTA rail right-of-way, 8th Election District,
3rd Councilmanic

Legal Owners: Thomas N. Kelly

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-117-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 30, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-117-SPH
10901 York Road
E/S York Road corner, N/S of MTA rail right-of-way
8th Election District - 3rd Councilmanic District
Legal Owner: Thomas N. Kelly

Special Hearing to amend prior site plan for case number 93-43-A to allow for existing utility parts shed.

HEARING: Thursday, October 29, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

c: Francis X. Borgerding, Jr.
Thomas N. Kelly
Patrick M. O'Keefe

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 14, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
October 8, 1998 Issue - Jeffersonian

Please forward billing to:

Tom Kelly 410-666-2522
13330 Long Green Pike
Hydes, MD 21082

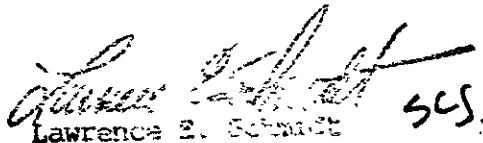
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10901 York Road
E/S York Road corner, N/S of MTA rail right-of-way
8th Election District - 3rd Councilmanic District
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Special Hearing to amend prior site plan for case number 93-43-A to allow for existing utility parts shed.

HEARING: Thursday, October 29, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-117
Petitioner: THOMAS V. KELLY
Address or Location: #10901 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: TOM KELLY
Address: 13330 LONG GREEN PIKE
HYDES, MD. 21082
Telephone Number: 666-2522

Revised 2/20/98 - SCJ

(17)
99-117-SPH

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-117-SPW

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO AMEND THE SITE PLAN
FOR SETBACK VARIANCE CASE # 93-0437 - TO ALLOW
AN EXISTING PARTS SHOP TO REMAIN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

INTEROFFICE CORRESPONDENCE

Date: October 5, 1998

SUBJECT: Zoning Advisory Committee Meeting
for October 5, 1998
Item No. 117

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 28, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 28, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 113, 114, 115,
116, (117) 118 AND 119.



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley *RBS/ya*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/28/98

DATE: 9/28/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

114

115

117

118

119

99-93-SPA

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: September 28, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

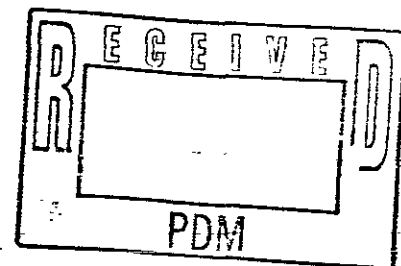
The Planning Office has no comment on the following petition (s):
Item No (s): 113, 115, 117, 118, and 119

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 5.25.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

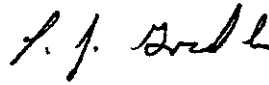
RE: Baltimore County
Item No. 117 JRA

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IN RE: PETITION FOR ZONING VARIANCE
E/S York Road, 600 ft. S of
Beaver Run Lane
10913 York Road

8th Election District
3rd Councilmanic District

Robert T. Burgess, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-43-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance from Sections 232.2 and 232.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, the Petitioners request relief to permit a side yard setback of 10 ft., in lieu of the required 15 ft., and a rear yard setback of 10 ft., in lieu of the required 20 ft. Further, the Petitioners seek a special variance from the Basic Services Maps, pursuant to Section 4A02.4.D. & F. of the B.C.Z.R. The subject property is located at 10913 York Road in Cockeysville and immediately abuts York Road. The subject site is .2386 acres in area, triangular in shape, and is zoned B.M. The relief requested is more particularly shown on Petitioners' Exhibit No. 3, the site plan to accompany the Petition for Variance.

The Petitioners/property owners, Robert T. Burgess and Lorri A. Burgess appeared and testified at the public hearing. They were represented by G. Warren Mix, Esquire. Also appearing was Jeffrey V. Jaras, the engineer who prepared the site plan. There were no Protestants.

Mrs. Lorri Burgess testified about her plans for the improvement of this property. She intends to construct thereon a single story building

ORDER RECEIVED FOR FILING

Date

By

11/19/92
M. J. J. J.

99-117-SPH 117
MICROFILMED

ORDER RECEIVED FOR FILING

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As to the Petition for Special Variance, Mr. Jaras notes that the relevant failing intersection located at York and Padonia Road is approximately three miles away. He noted that the subject site is just within the area controlled by this intersection on the Basic Services Maps. He does not believe that development on site, as proposed, will adversely affect traffic congestion in the locale. Further, due to the nature of

the proposed use, Mr. Jaras opined that the impact of the development will be minimal.

The Zoning Plans Advisory Committee reviewed the subject Petition and site plan and several recommendations have been made. Both the Office of Planning and Zoning and Developers Engineering Division believe that a landscape plan should be submitted and approved by the County's Landscape Architect. These departments note that the property is located within the historic Cockeysville area and is ripe for redevelopment. Further, the Office of Planning and Zoning suggests permanent removal of the advertising sign presently on site. In fact, the site plan notes that the sign is to be removed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

ORDER RECEIVED FOR FILING

Date

By

117

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R. Further, I am persuaded, based on the uncontradicted evidence, that the proposed development would be less than assumed by the district standard and that the granting of the Petition will not adversely affect any person who may have filed for relief prior to the Petitioners; all as required by Section 4A02.4.F. of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November, 1992 that the Petition for a Zoning Variance from Sections 232.2 and 232.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) seeking relief to permit a side yard setback of 10 ft., in lieu of the required 15 ft., and a rear yard setback of 10 ft., in lieu of the required 20 ft., be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING


Date

By

11/19/92
M. B. Bork

IT IS FURTHER ORDERED that the a special variance from the Basic Services Maps, pursuant to Section 4A02.4.D. and F. of the B.C.Z.R., all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Baltimore County Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning and Zoning, dated September 1, 1992, be adopted in their entirety and made a part of this Order.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
4. The outdoor advertising sign presently on site shall be permanently removed.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

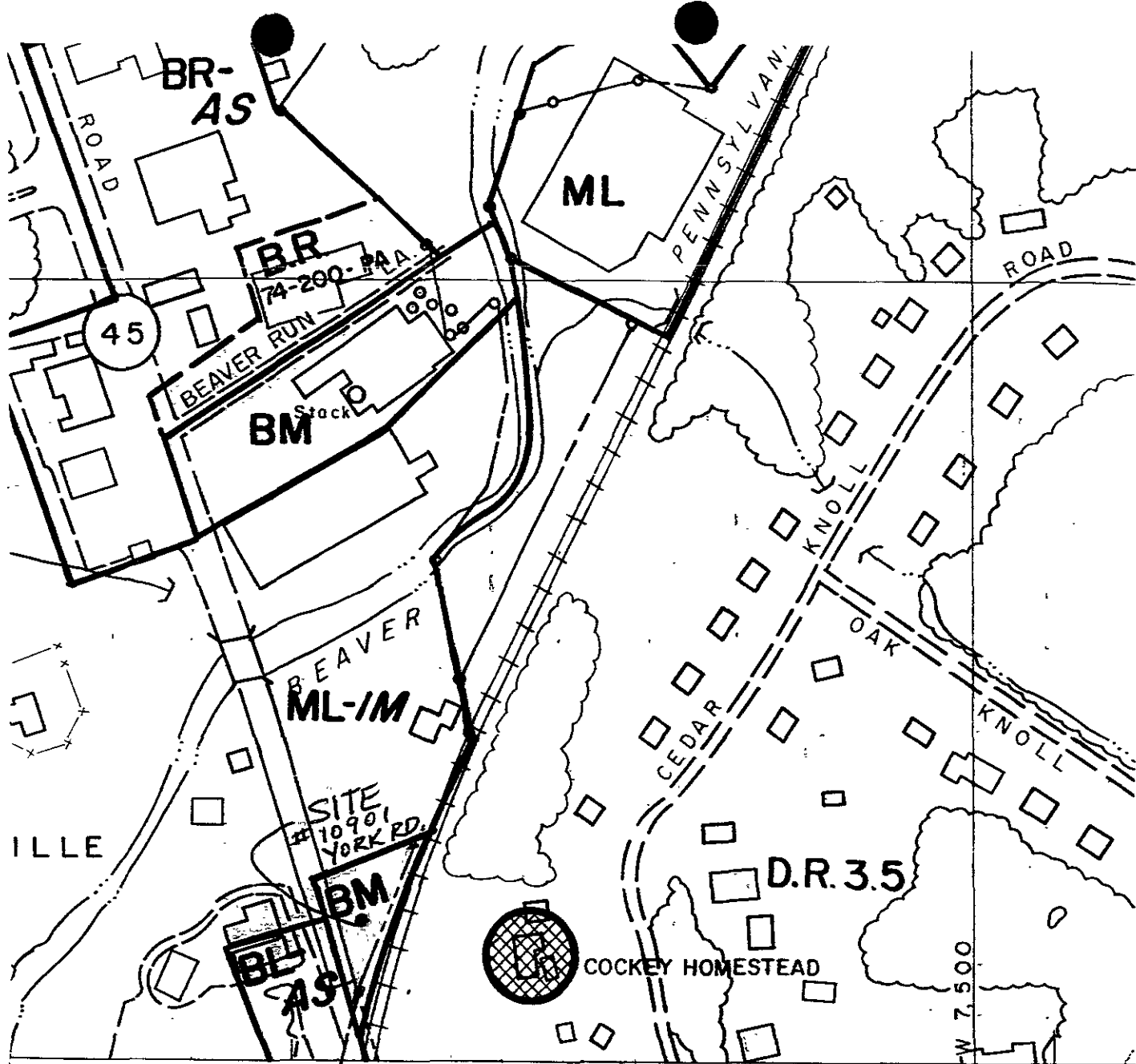
ORDER RECEIVED FOR FILING

Date

By

LES/mmnn

MICROFILMED



COUNTY AND ZONING MAP

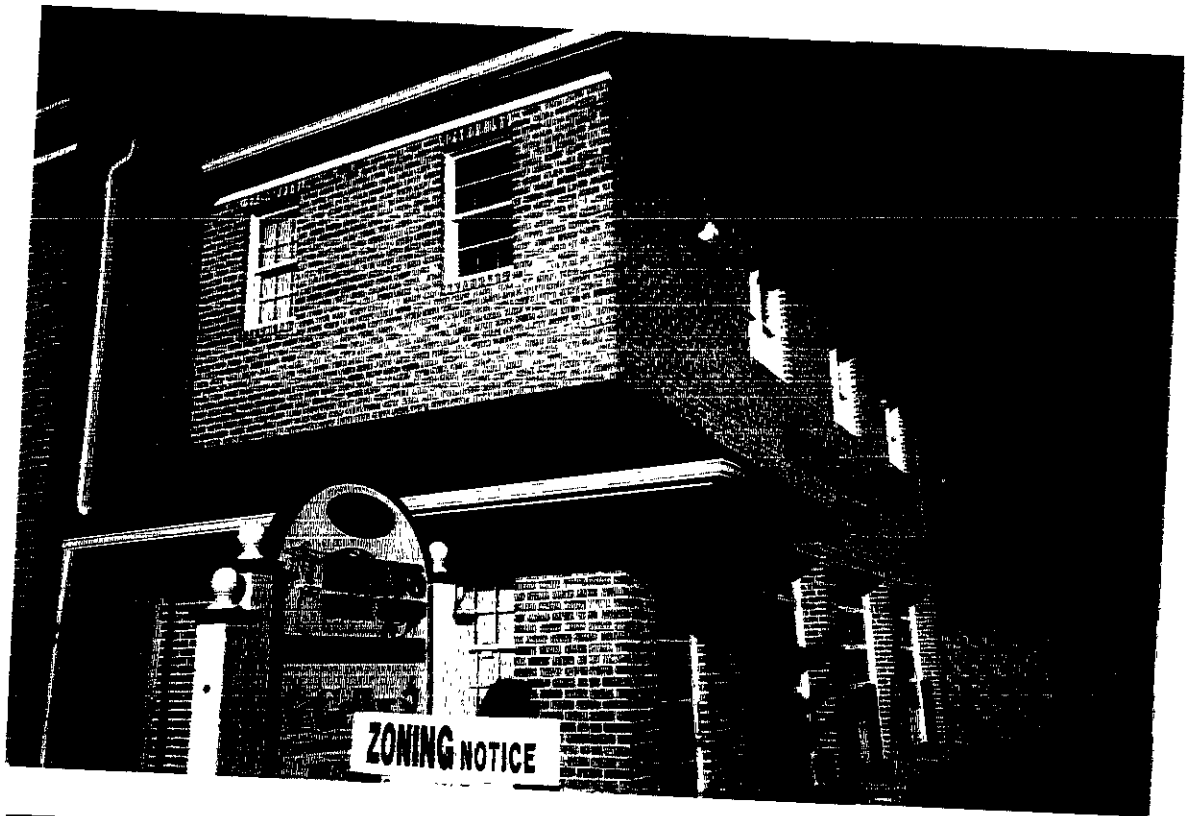
1 inch = 200 feet

99-117-SPH

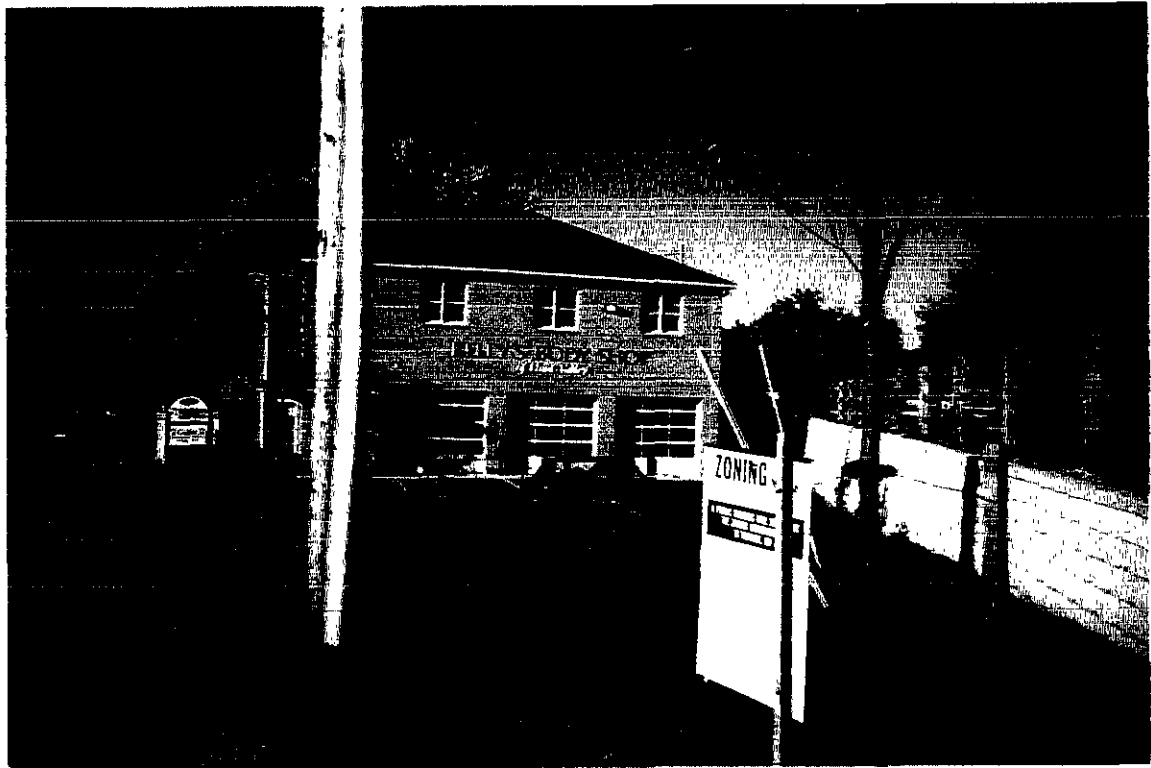


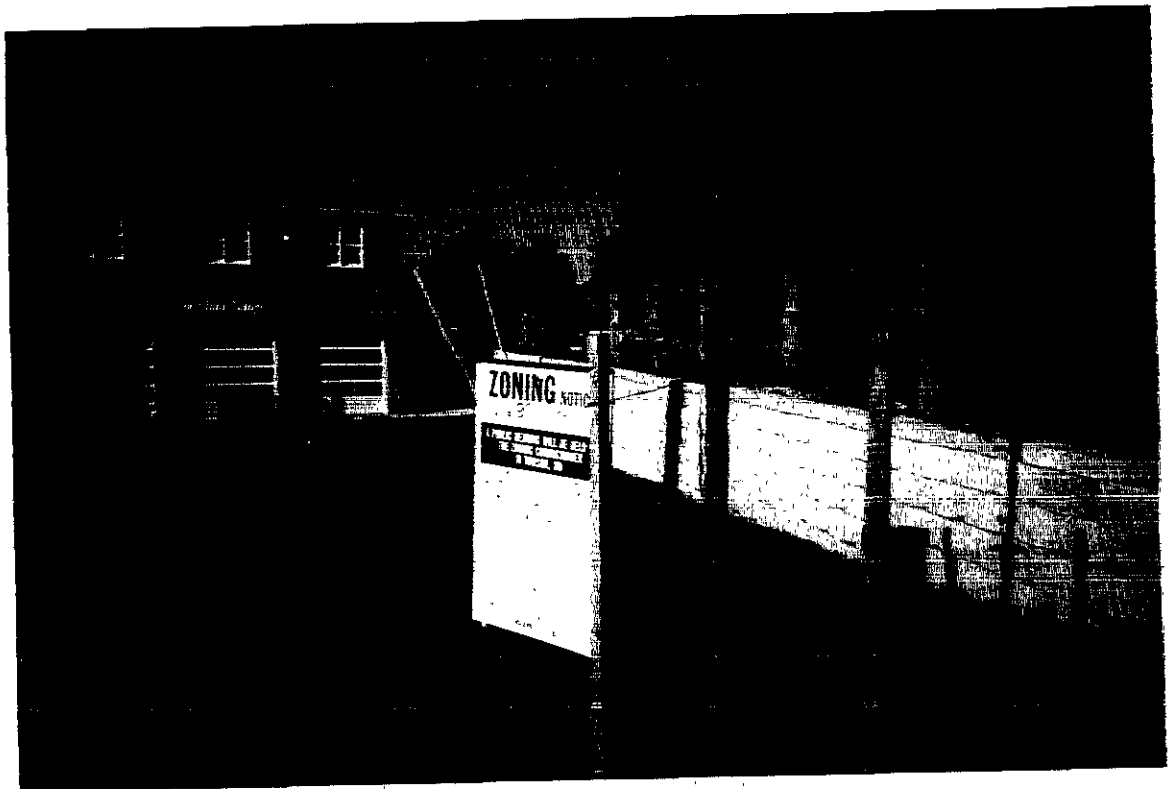
KELLYS-YORK RD
117

99-117-SPH





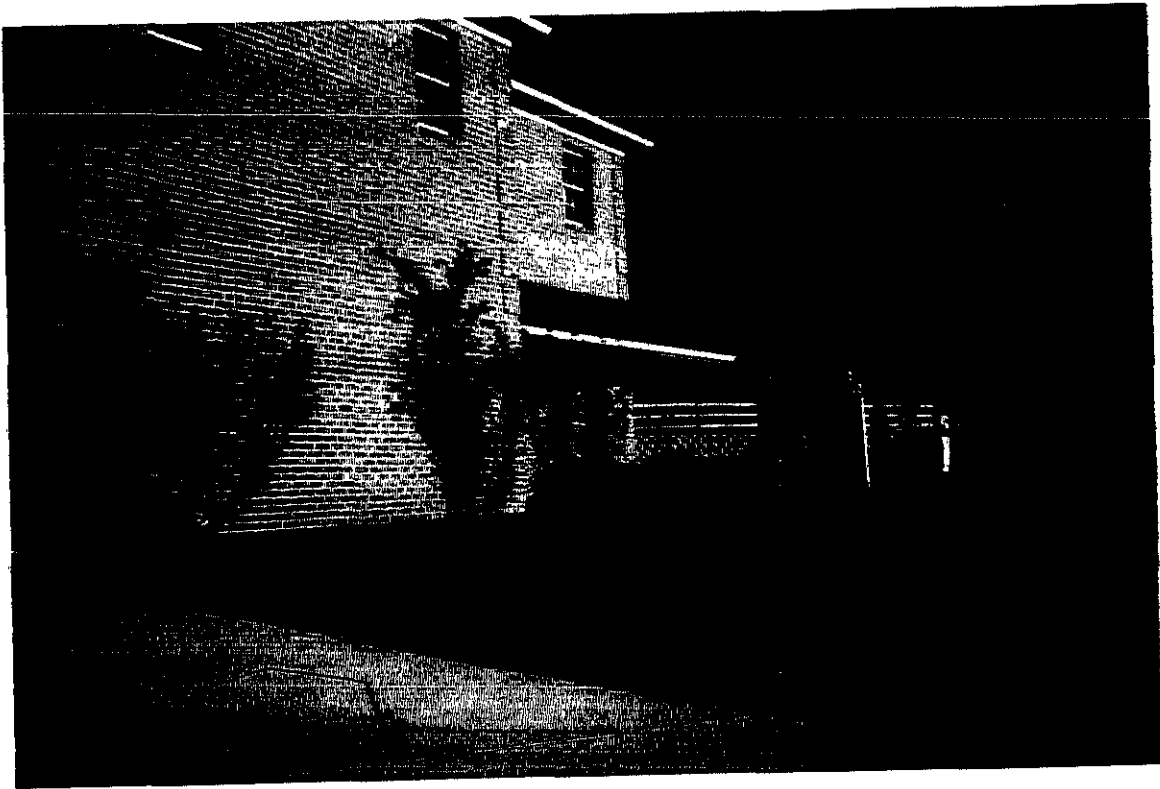


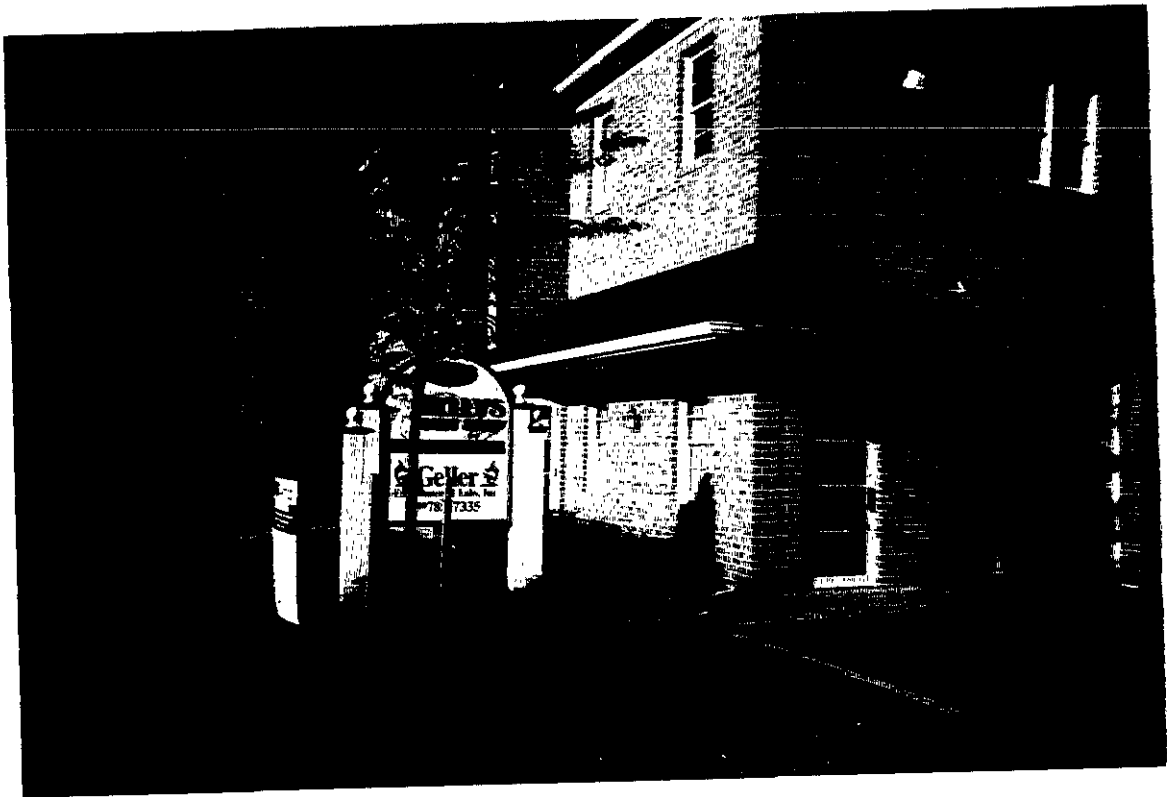








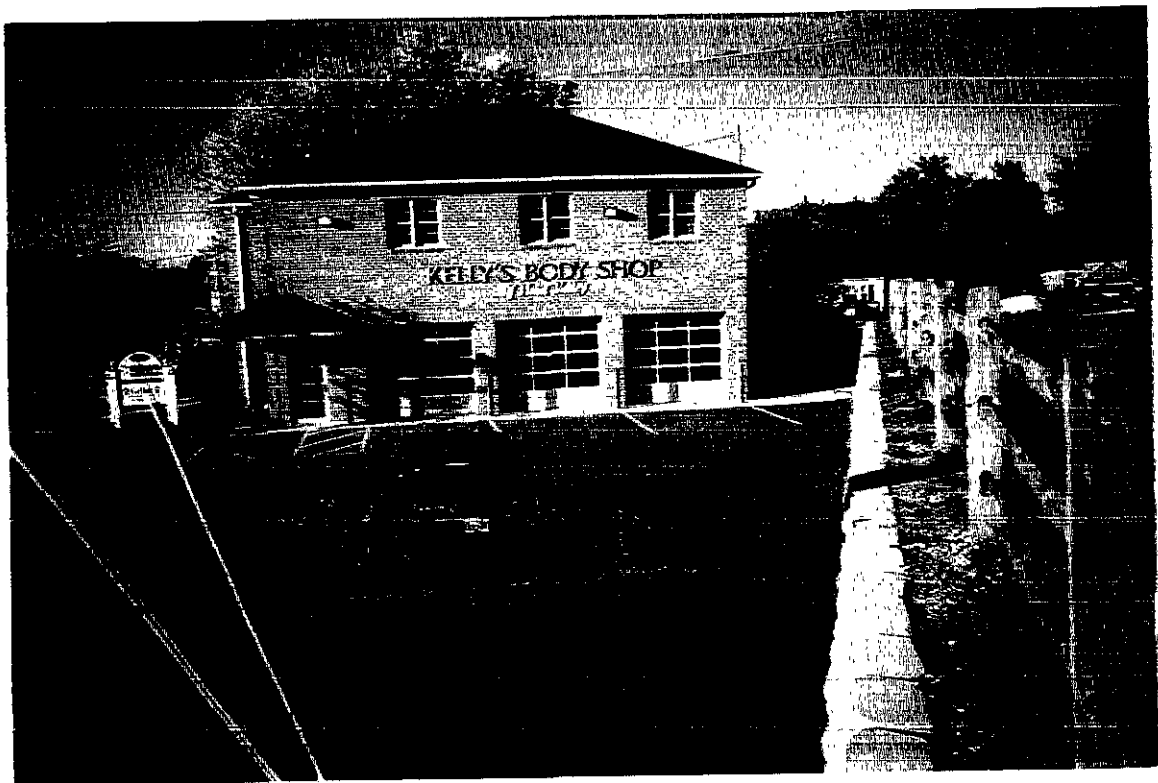


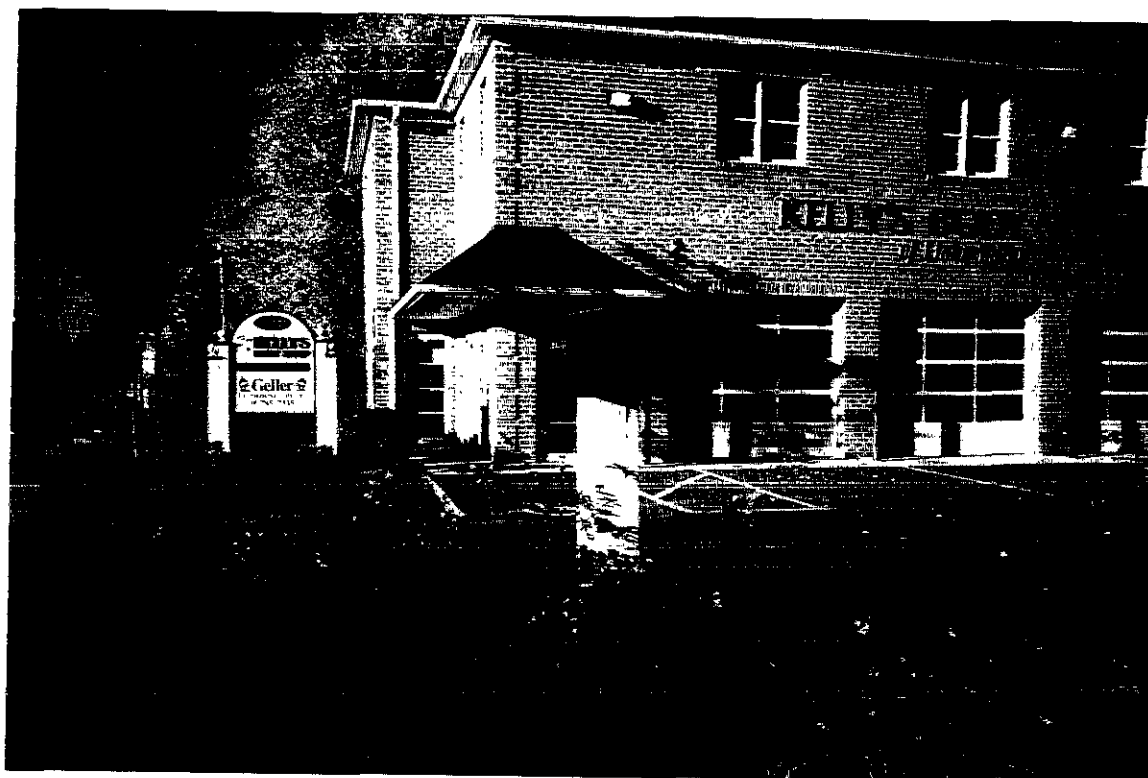
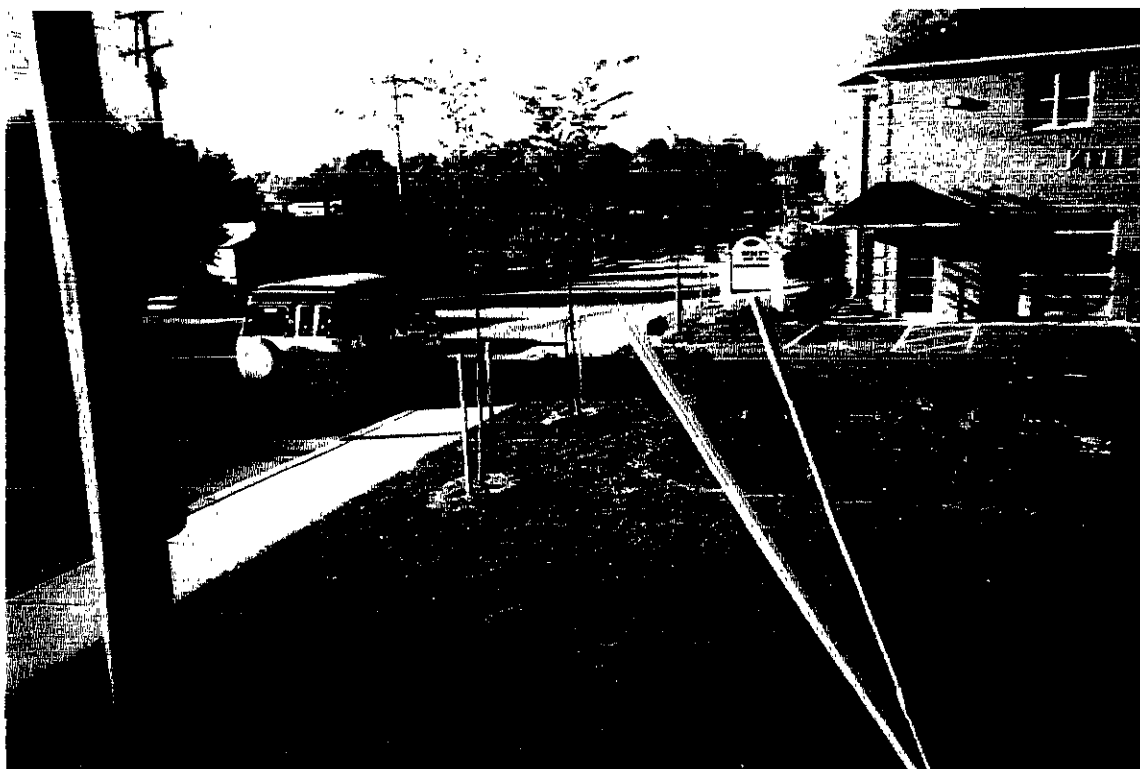




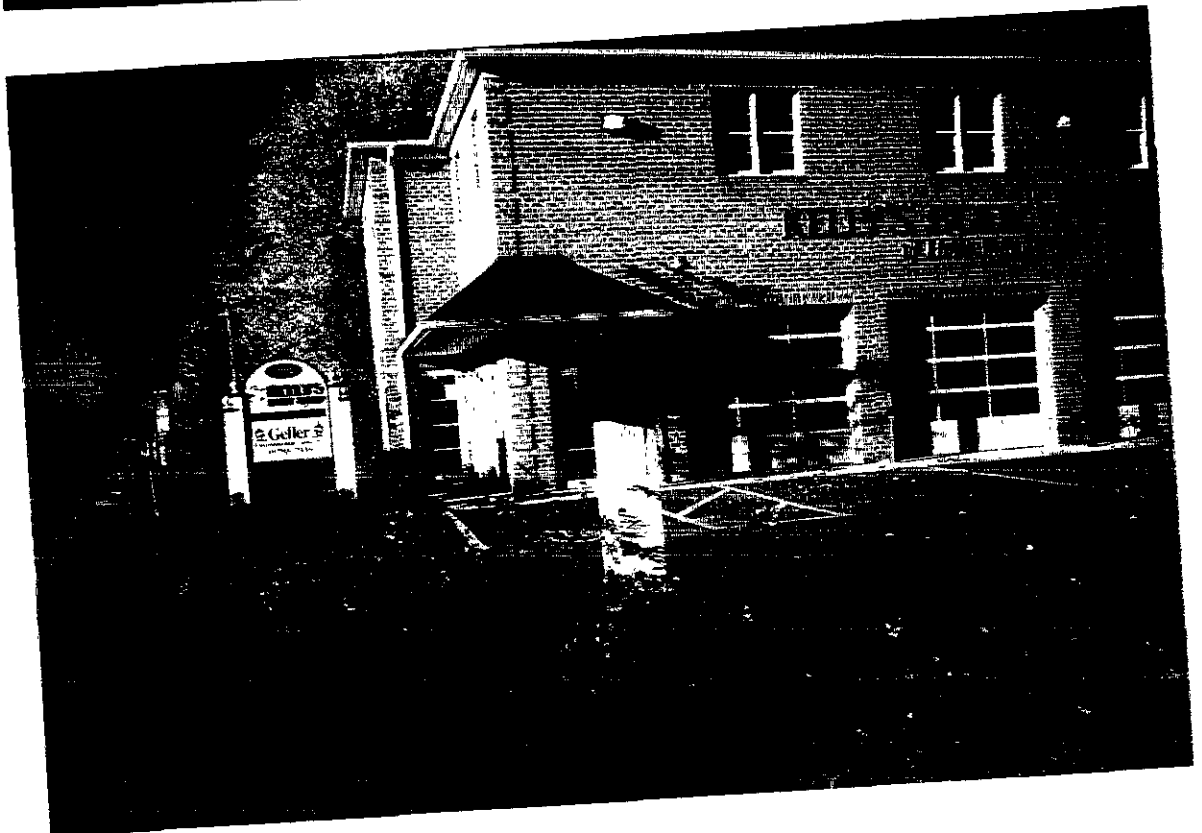






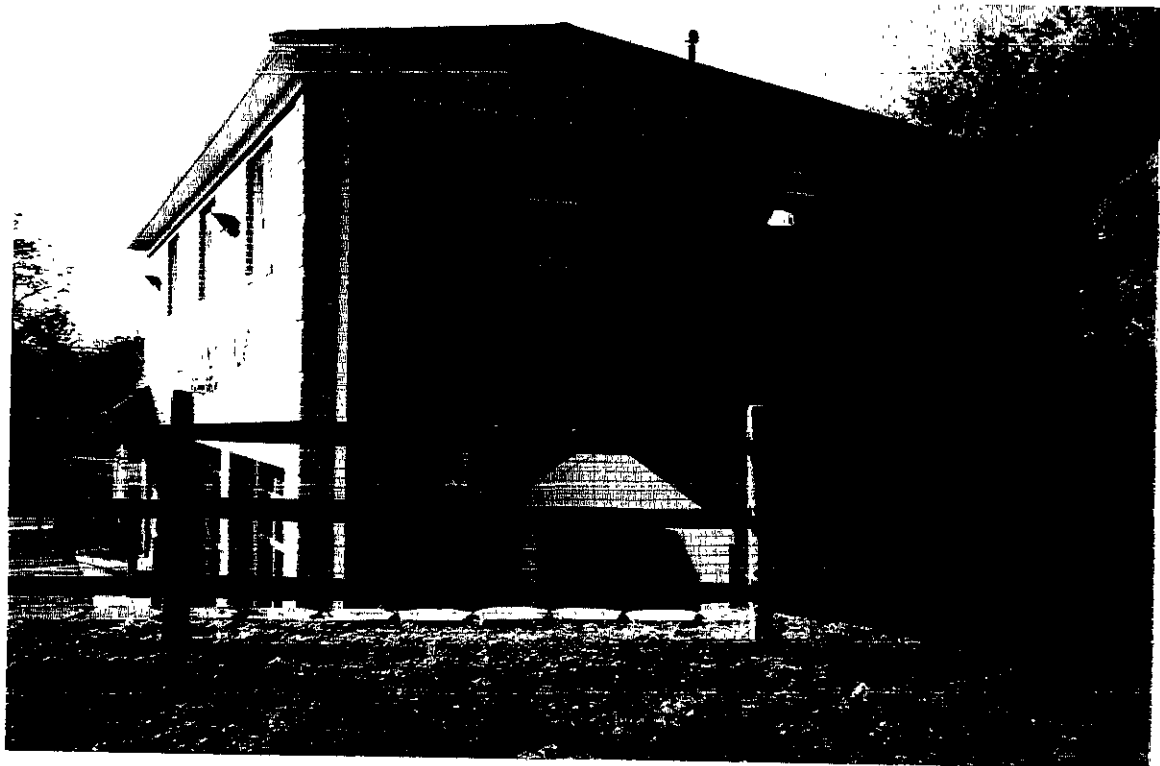


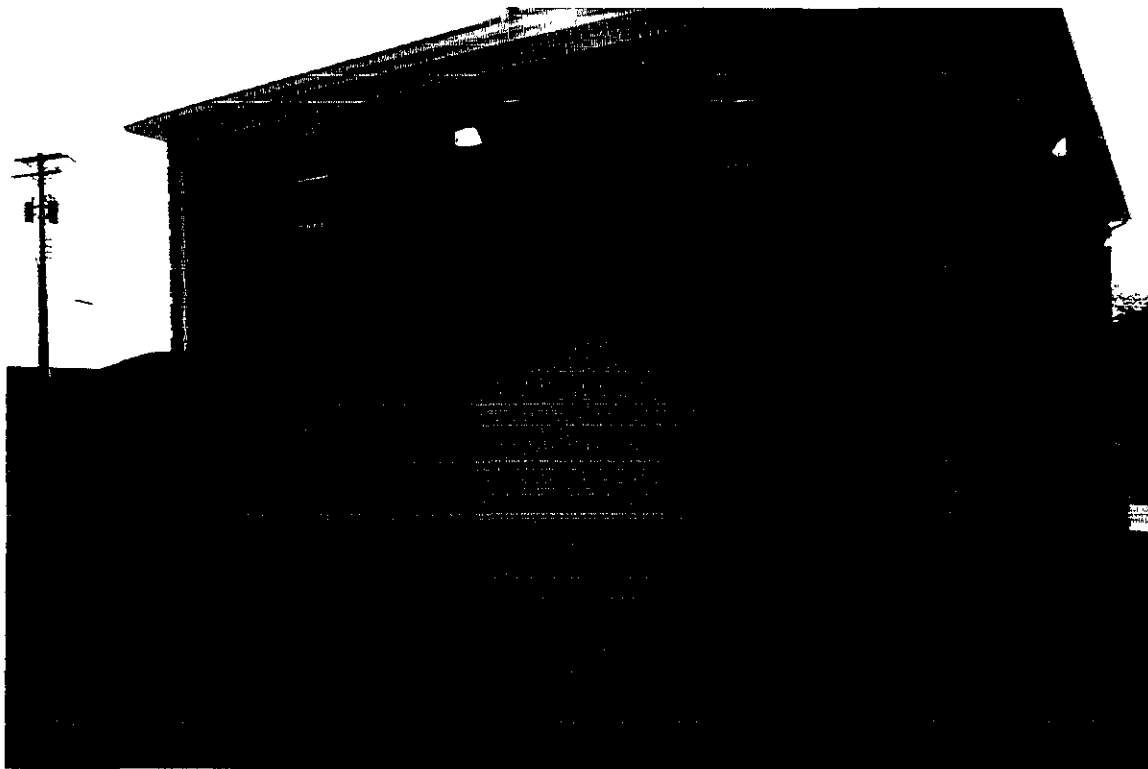




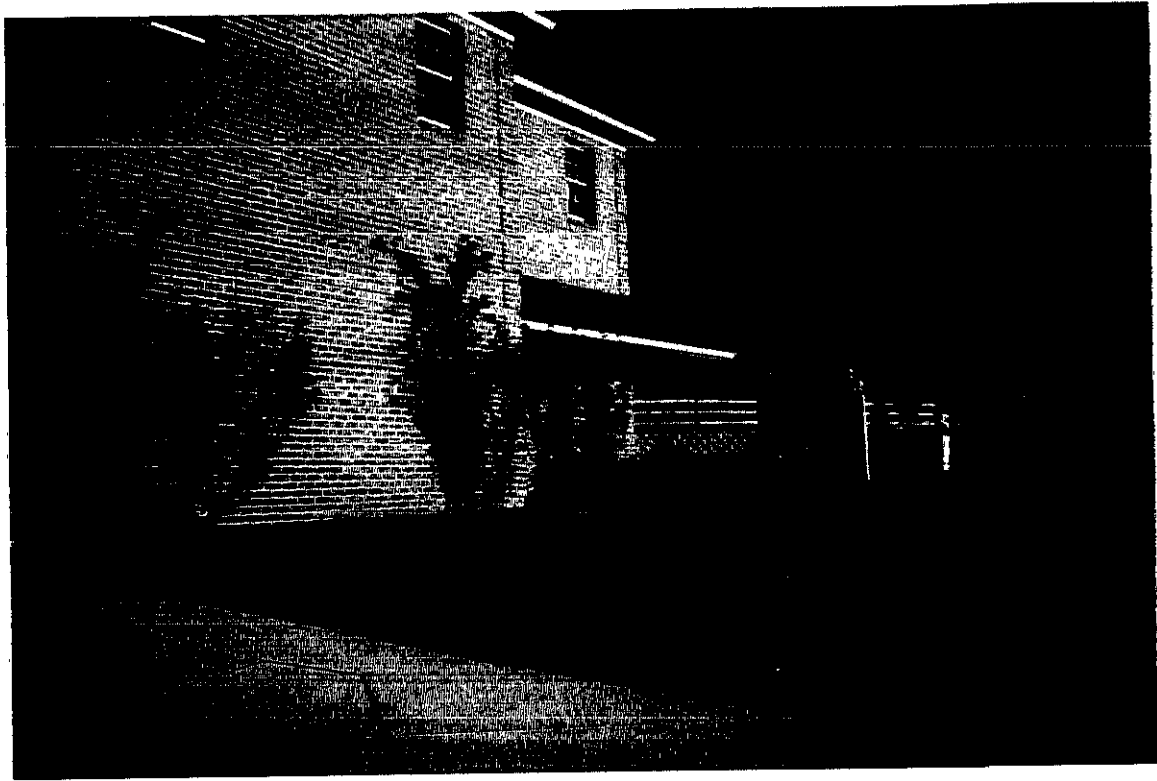


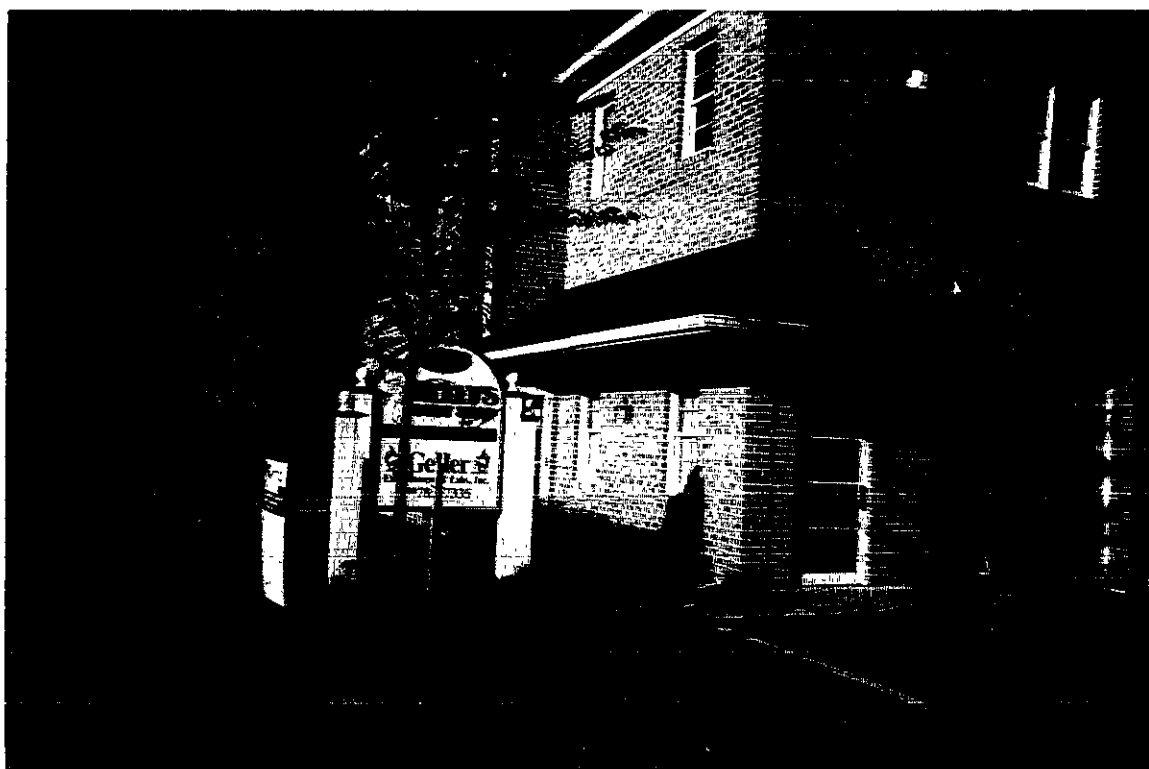


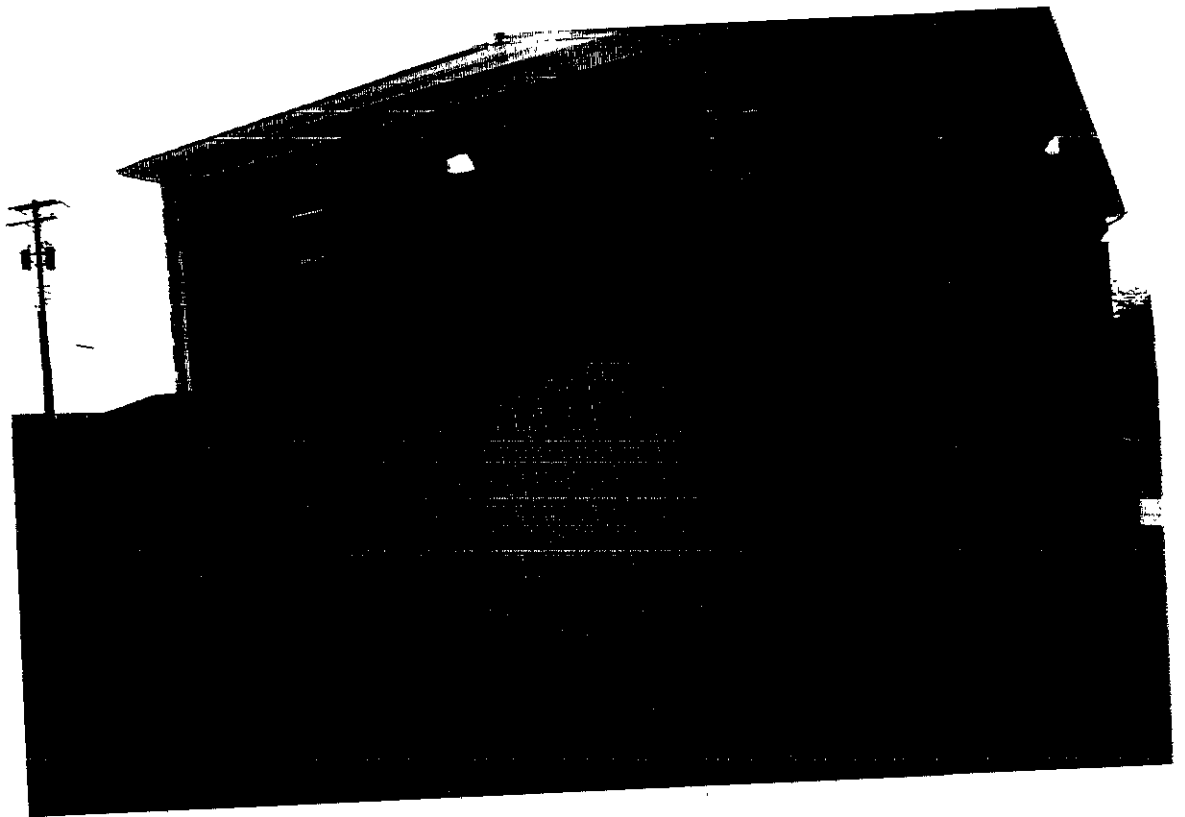
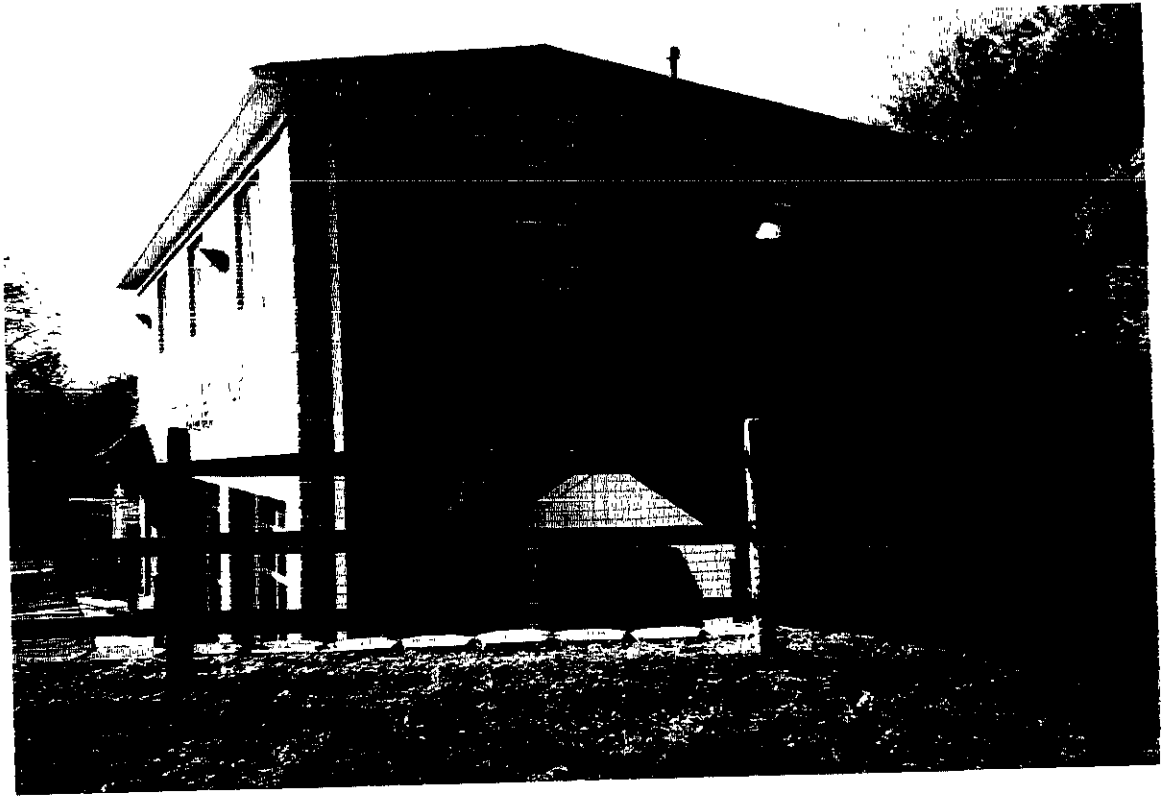


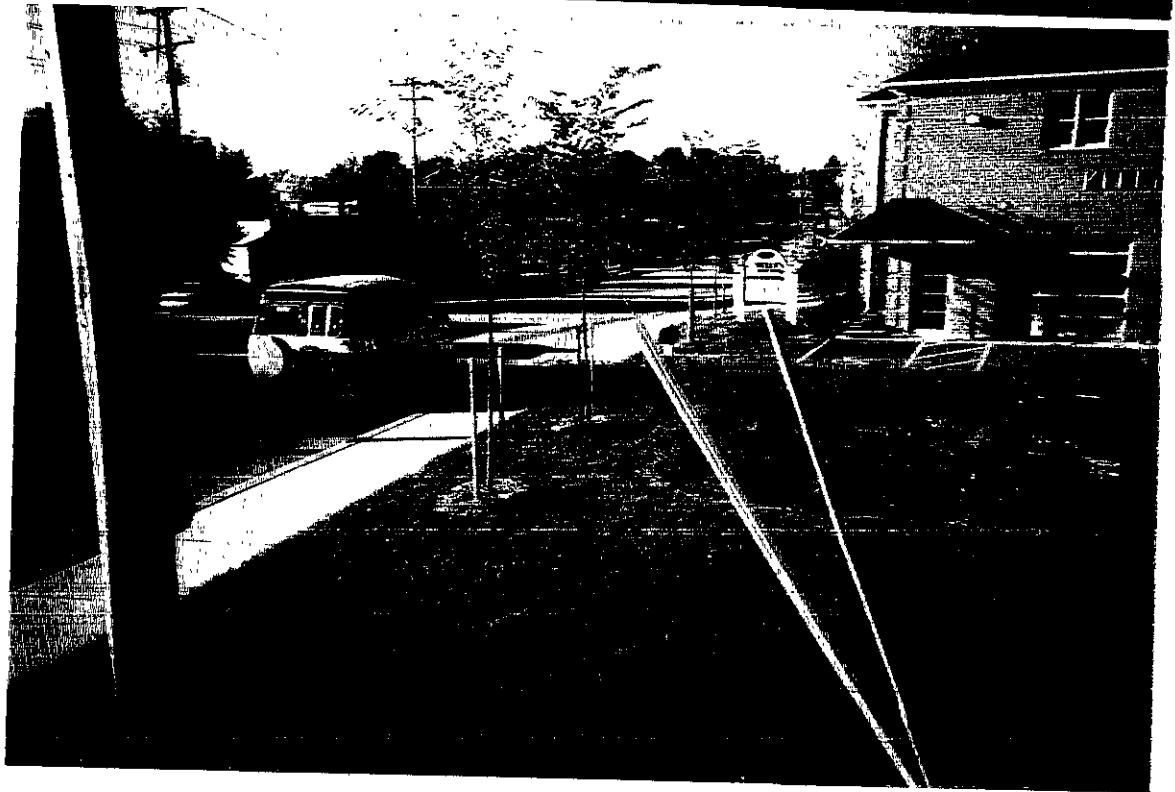


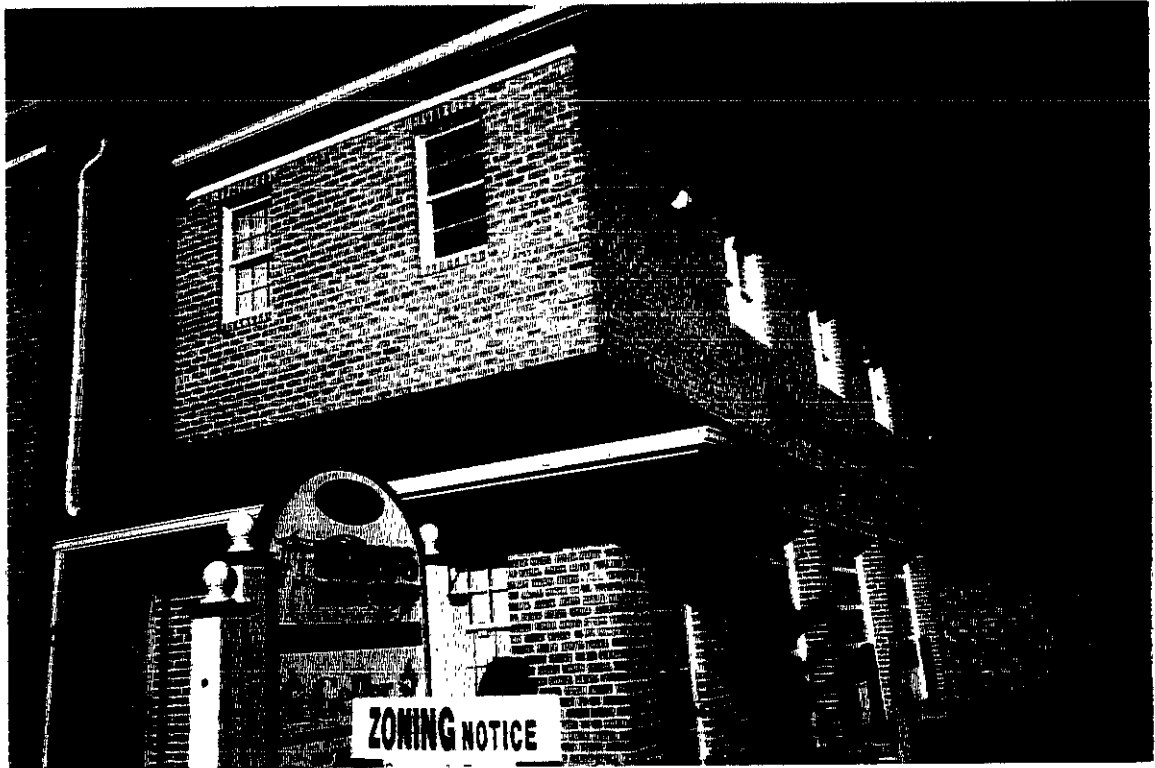




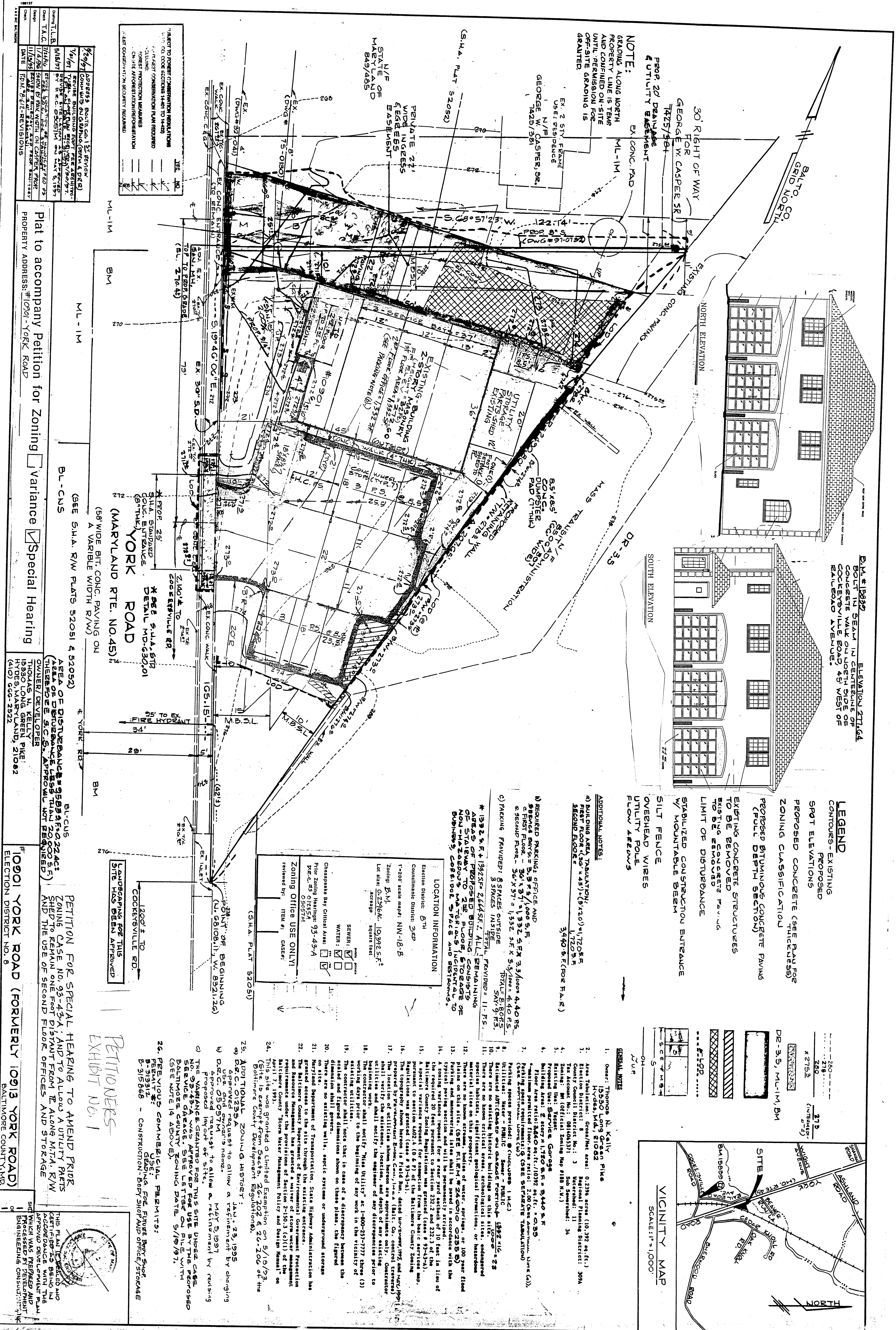












PETITIONERS
 EXHIBIT NO. 1

PETITION FOR SPECIAL HEARING TO AMEND PRIOR ZONING CASE NO. 93-43-A, AND TO ALLOW A UTILITY PRT SHED TO REMAIN ONE FOOT DISTANT FROM IT ALONG M.T.A. R/W AND THE USE OF SECOND FLOOR OFFICES AND STORAGE

10901 YORK ROAD (FORMERLY 10913 YORK ROAD)
ELECTION DISTRICT NO. 8
BALTIMORE COUNTY, MD

THIS PLAN PREPARED AND
CERTIFIED AS BEING IN
ACCORDANCE WITH THE
APPROVED DEVELOPMENT PLAN
WHICH WAS PREPARED AND
PROCESSED BY DEVELOPMENT
ENGINEERING CONSULTANTS INC.